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UNCLAS SECTION 01 OF 02 DAKAR 001307

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STATE FOR EB/CIP/BA, EB/TPP/IPE, AF/EPS AND AF/W  
USDOC PLS PASS USPTO FOR MICHAEL ADLIN

E.O. 12958: N/A

TAGS: [ETRD](#) [KIPR](#) [EIND](#) [ECON](#) [SCUL](#) [PGOV](#) [KPAO](#) [SG](#)

SUBJECT: EMBASSY DAKAR WORKSHOP ON IPR UNITES PLAYERS AND  
SPARKS DESIRE TO END INFRINGEMENT

REF: DAKAR 00836

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#### SUMMARY

1. On May 24, the Embassy hosted a workshop on intellectual property rights (IPR), which attracted an audience of nearly 50 people, including actors, musicians, authors, designers, screen-writers, union representatives, business owners, gendarmes, customs officers and other GOS officials. The Ambassador addressed the workshop on the impact of IPR violations on the economy and on personal safety and health. U.S. Patent and Trademark Office (USPTO) representative Michael Adlin also made a presentation via DVD. The workshop, which generated substantial local media coverage, led to a demand by participants for follow-up events. A member of the Customs Director General's Office, who was in attendance, asked for cooperation with U.S. Customs in order to tighten its procedures. END SUMMARY.

#### MUCH CREATIVITY AND MUCH INFRINGEMENT

2. Senegal has suffered from contradictory trends of increasing literary and artistic creativity, plus a growing incidence of IPR infringement. Senegal has produced world famous musicians, such as Youssou N'dour and Ismail Lo, writers, and artists, and is at the forefront of Africa's pharmaceutical and computer industries. At the same time, Senegalese products have been pirated or counterfeited openly in Senegal's markets, alongside exported works, and with few repercussions. This has led some musicians, artists and writers to abandon their work and seek other livelihoods.

#### IPR AS A POLICY TOOL AND INDIVIDUAL RIGHT

3. The Director General of the Bureau Senegalais du Droit d'Auteur (BSDA), Senegal's copyright office, made an opening speech in which she discussed the importance of IPR as a tool for use in the formulation of economic and cultural policy, as well as a source of inspiration for creativity. Director General Ndeye Siby also discussed Senegal's need for a modern judicial framework, referring to the bill she helped draft to update Senegal's copyright laws (Reftel). She stressed two points: (1) IPR must not be an instrument for division between the developing and developed world; and (2) everyone has the fundamental right to express their cultural identity.

#### AMBASSADOR JACOBS' REMARKS

4. Ambassador Jacobs echoed Siby's words by saying everyone has the right to enjoy the fruits of their intellectual labor and by adding that such labor is an important element in economic growth. Although all the Ambassador's remarks were

well received, the moment having the most impact was when she described the cost of trade in illegal products in terms of lost revenue and risks to individual safety and health. Her comments were subsequently cited by many participants as well as local media, including the pro-government daily Le Soleil, major radio station Sud FM, the Senegalese Press Agency and several other national newspapers.

#### THE U.S. PERSPECTIVE

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¶5. USPTO's Michael Adlin and Michael Schlesinger, Vice President of the International Intellectual Property Alliance (IIPA), spoke of the misguided belief that IPR infringement is not a concern for Africa. Adlin noted the fact that African artists and students are going elsewhere; African governments are missing out on tax revenue from sales of legitimate products; and other countries are unwilling to transfer technology to Africa because of the lack of security. Schlesinger demonstrated the importance of cultural ideas to the U.S. economy and pointed out the need for Senegal to create a framework for nurturing and protecting artists.

#### AN ENTHUSIASTIC RESPONSE BY PARTICIPANTS

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¶6. Participants responded to all presentations with spirited comments and questions. One common theme was the need for concerted political will to harmonize Senegal's IPR laws with its commitments under international agreements, such as those under the World Trade Organization (WTO), to enforce IPR laws already on its books, and to stop importing infringing goods. Captain Ndiaye of the Customs Office agreed the law needs to be revised and said he wants to stop the flow of infringing goods, which leads to a "society in decay."

#### IRC SUPPORT FOR THE WORKSHOP

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¶7. In support of the workshop, post's Information Resource Center (IRC) showcased background material in French and English on IPR, including a webliography of key Internet sites reflecting U.S. policies and accomplishments in this area. The IRC offered copies of the IIP publications, "Droit de la Propriete Intellectuelle" and the "Bush Administration Strategy of Targeting Organized Piracy," as well as information on the Intellectual Property Rights Training Program Database. Several government officials in attendance, including BSDA Director General Siby and Ndeye Adji Diop Sall, Director of the Office of Intellectual Property at the Ministry of Industry, signed up to receive additional information from the IRC on IPR issues.

#### COMMENT

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¶8. The large turn-out showed a growing interest in addressing the problem head-on. The invitees were so eager to discuss among themselves that they did not want to take breaks during the four and one-half hour session. Many thanked Embassy staff for hosting the workshop and pleaded for follow-up events to focus on more specific issues, such as problems facing handicraft artisans and textile manufacturers. Embassy plans to encourage development of focus groups to work on such specific issues and also to meet with Senegal's Customs Office and discuss ways it can work with US Customs to improve procedures. END COMMENT.

¶9. Michael Adlin has cleared this message.  
JACOBS